

CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NO. 48 OF 2011

BEING A BY-LAW TO PROVIDE FOR REGULATING THE CONSTRUCTION, MAINTENANCE AND PROTECTION OF BOULEVARDS WITHIN THE TOWNSHIP OF WARWICK.

WHEREAS the Municipal Act 2001, Section 28 1) & 2) as amended, provides that council of a local municipality may pass by-laws in respect of a boulevard over which it has jurisdiction.

AND WHEREAS it is deemed expedient that provisions be made for the maintenance of boulevards in the Township of Warwick.

1. Definitions:

For the purpose of this by-law:

- a) **“Apron”** includes that section of the driveway contained within the road allowance that consists of either asphalt, concrete, gravel or interlocking/paving stone;
- b) **“Back Lot Property”** refers to that portion of a property where the rear is adjacent to a township or regional road allowance;
- c) **“Buffer strip”** shall mean minimum border with the following dimensions: the border located at the curb shall be 1 metre and the remaining border around the boulevard shall be 15 centimetres (6 inches);
- d) **“Boulevard”** shall mean that portion of the public highway under the jurisdiction of the municipality between the traveled road and the street line, not including back lot properties that are within the geographical limits of the township;
- e) **“County”** shall mean the County of Lambton;
- f) **“Herbaceous plant materials”** means a plant without woody above-ground parts, its stem dying back to the ground each year;
- g) **“Inorganic Ground Cover”** includes, but is not limited to gravel, concrete, asphalt, paving stones and interlocking brick;

- h) **“Landscape”** means to improve the boulevard by planting sod and other plants and generally improving the boulevard in accordance with the terms and provisions of this by-law;
- i) **“Maintenance”** shall refer to the action required to sustain a boulevard, including but not limited to cutting, watering, removing debris or repairing damage to any driveway located within the boulevard area;
- j) **“Municipality”** means the Corporation of the Township of Warwick;
- k) **“Municipal By-Law Enforcement Officer”** means a By-law Enforcement Officer and/or Property Standards Officer employed by the municipality;
- l) **“Owner”** shall mean the owner or occupier of real property adjoining a boulevard;
- m) **“Person”** includes a corporation, partnership, sole proprietorship and municipality;
- n) **“Street line”** shall mean the property line dividing the road allowance from the real property of an adjoining owner;
- o) **“Superintendent”** shall mean the Public Works Superintendent or his or her designate;
- p) **“Township”** shall mean the area within the geographical boundaries of the Corporation of the Township of Warwick;
- q) **“Turf grass”** shall mean a regularly maintained area to a maximum height of 15 centimetres (6 inches) consisting of desirable turf grass species, such as blue grass, fescues, perennial ryes and tall fescues;
- r) **“Utilities”** shall include infrastructures such as cables, pipelines or structures that are owned and maintained by the municipality or other utility companies.

2. Landowner Responsibility

- i) That the occupant of every occupied parcel of land, whether he be the owner or tenant, and the owner of every unoccupied parcel of land shall cut and trim all grass or plants, shrubs, weeds, trees or vegetation growing on the boulevard in front of the premises occupied by him, so as to maintain the same in a clean, neat and tidy condition in the urban communities of Watford and Warwick at their own expense.

- ii) That the occupant, whether owner or tenant, of every dwelling house, shop, vacant lot or other premises in the Township of Warwick, shall keep the sidewalks on the streets abutting his premises free and clear of ice and snow; and that such ice and snow shall be removed not later than nine o'clock in the forenoon if snow is not falling at that hour. In the event of snow falling at or after nine o'clock in the forenoon, such ice or snow shall be removed within two hours and after snow has ceased falling.
- iii) Every owner must (the proof of which lies upon the owner) contact all utilities, the County and the municipality for the purpose of locating all pipes, cables and other property owned or installed by one or more of them not less than 5 (five) working days before excavating any part of a boulevard.
- iv) That the occupant shall contact the Public Works Superintendent and receive approval for work to be completed as per Section #5 of the by-law, including but not inclusive to driveways and sidewalks.

3. Permissive

- i) Every owner may sod, landscape or improve a boulevard subject to the following:
 - An Owner may plant herbaceous plants on a boulevard so long as:
 - a) The plants do not exceed a height of 45 centimetres (18 inches);
 - b) The plants do not impair drainage;
 - c) The plants are not of a species identified as goutweed (*Agegopodium podagraria*), periwinkle (*Vinca minor*), Japanese spurge (*Pachysandra terminalis*), lilly of the valley (*Convallaria majalis*), creeping bellflower (*Campanula rapunculoides*), soapwort or bouncing bet (*Sponaria officinalis*), or ribbon grass (*Phalaris arundinacea*).
 - d) The buffer strip may contain turf grass, herbaceous plants, wood chips, mulch, concrete, asphalt, interlocking/paving stone or gravel stone (less than ¾ inches in diameter);

4. Township Responsibility

- i) If any sod, asphalt, concrete, interlocking/paving stone or gravel from the apron of a driveway located within the boulevard is removed or damaged for any reason in the course of any undertaking by the Township or a utility, it shall be replaced as nearly as may be to the condition in which it was prior to that undertaking. Neither the Township, nor any utility shall be obligated to restore any improvements located on any boulevard other than sod, asphalt, concrete, interlocking/paving stone or gravel.

- ii) The Municipality shall have complete authority as to the installation of sidewalk, curbs and gutters and shall be built to their engineered standards.
- iii) Matters dealing with new and/or existing requests for tree planting shall be addressed under the Township of Warwick Tree By-law referred to as “Right-of-Way Trees By-law”.
- iv) Complaints shall be referred to the Public Works Superintendent, for investigation and action needed.

5. Approval Required from Public Works Superintendent

- i) That any sign, structure, shrubbery, tree, obstruction or refuse placed on any boulevard without written approval of the Public Works Superintendent or the By-law Enforcement Officer shall be removed by the person occupying the abutting premises forthwith upon notification to do so by the By-law Enforcement Officer, or such sign, structure, shrubbery, tree, obstruction or refuse shall be removed and all costs associated with the removal, shall be assessed to the owner of the abutting property from which items were removed. When written permission is not found in the Township Property File, then the said items causing an infraction shall be dealt with at the complete discretion of the Public Works Superintendent or Public Works Committee in consultation with the property owner.
- ii) No person, firm or corporation shall construct any boulevard or do any work on a public road allowance within the boundaries or the Township of Warwick without first obtaining the consent of the Public Works Superintendent and such person shall be responsible for completing the construction or doing the work in accordance and conformance with the conditions and provisions of the Public Works Superintendent’s consent i.e. driveway.
- iii) No person, firm or corporation shall construct/alter/repair sidewalks and or curbs and gutters on any boulevard or do any work on a public road allowance within the boundaries or the Township of Warwick without first obtaining the consent of the Public Works Superintendent and such person shall be responsible for completing the construction or doing the work in accordance and conformance with the conditions and provisions of the Public Works Superintendent’s consent.

6. Non Permissive

- i) No person shall in any way obstruct any drain, watercourse, ditch or culvert within the limits of the Township of Warwick.
- ii) An owner shall not permit anything to remain on a boulevard which is dangerous, may injure pedestrians or damage vehicular traffic;
- iii) An owner shall not permit anything to remain on a boulevard which impairs the ability to see pedestrians or vehicular traffic, including anything which may be located between two residential driveways, subject to the Township of Warwick's Tree By-law – "Trees On Municipal Right-Of-Way".
- iv) An owner shall not locate any sports equipment on a boulevard including, but not limited to basketball nets, hockey nets, or skateboarding equipment;
- v) An owner shall not alter a boulevard so as to create a parking area;
- vi) An owner shall not use a boulevard, where there are curbs, as a parking area;
- vii) An owner shall not place inorganic ground cover exceeding $\frac{3}{4}$ " (19 millimetres) in diameter within the buffer strip of the boulevard;
- viii) An owner shall maintain a buffer strip on any boulevard that is landscaped with anything other than sod;
- ix) An owner shall ensure that any inorganic ground cover located within the buffer strip is confined to that area and does not overflow onto the street or sidewalk;
- x) No person shall damage any landscaping or improvement on a boulevard except an owner, a contractor hired by the municipality, the County, the municipality or a utility while engaged in construction, maintenance or repairs.

7. Installation of Entrance Culverts

i) Responsibility of the Owner

The owner of any lands requiring a private driveway and/or walkway leading to a public highway which has a surface drainage system and which is located in the Township of Warwick shall be responsible for the installation of a galvanized corrugated steel culvert or hard wall plastic when and as specified by the Township Public Works Superintendent.

ii) Entrance Culvert Specifications

All entrance culverts shall be installed by the land owner's contractor to the specifications of the Township Public Works Superintendent such as:

- a) Be of galvanized corrugated steel, 16 gauge or hard wall plastic;
- b) Have a minimum diameter of fifteen (15) inches;
- c) Have a minimum length of twenty (20) feet excepting walkway culverts which shall have a minimum length of six (6) feet;
- d) Laid to a designated line and grade;
- e) Be surrounded by 6" min. Compacted granular;
- f) Culvert ends preferred to be rip-rapped. Rip-rapping shall be laid on a solid footing and surround the pipe opening.

iii) Installation of Entrance Culvert(s)

- a) All entrance culverts shall be installed by the land owner and/or contractor at the owner's expense and shall apply in writing to the Township Public Works Superintendent to have said culvert installed;
- b) Before any work is commenced to install an entrance culvert, the owner or agent shall obtain the approval of the Public Works Superintendent;
- c) The total cost of the entrance culvert(s) installation including material, labour, overhead and any other applicable charges to such work, shall be paid by the owner of the land.

iv) Relocation or Replacement of Existing Culverts

- a) The Municipality shall assume the costs of relocating and/or replacing existing entrance culverts which have been installed by the Township and/or property owner and which at the time of relocating or replacing are in a reasonable condition as determined by the Township Public Works Superintendent save and except the Township shall not be responsible for replacing end walls or pavement unless such relocation or replacement are necessitated by and in accordance with the Public Works Superintendent's direction.

8. Penalties and Enforcement

- i)** If in the opinion of the Public Works Superintendent, a boulevard has not been maintained as required by this by-law, the Public Works Superintendent, his or her designate or a By-law Enforcement Officer, may issue an order requiring the owner to bring their boulevard into compliance with the provisions of this by-law.
- ii)** No person shall fail to comply with regulations as set out in this by-law
- iii)** If any, firm or Corporation who contravenes a provision of or an order issued pursuant to this by-law is guilty of an offence and shall be assessed a penalty of:
 - a) First Offence \$250.00
 - b) Second Offence \$500.00
 - c) Third or More \$1,000.00
- iv)** Where anything required to be done by an owner in accordance with this by-law is not done, the municipality may do so, and recover the cost of so doing by adding the cost to the tax roll of the real property adjoining the boulevard, and collecting the cost in the same manner and with the same priority as municipal taxes.
- v)** This By-law is in conjunction with and also enforced under the provisions of the following by-laws: Official Plan, Zoning, Property Standards, Cleaning Of Land, and Fences.

9. Appeal Process:

- i)** If any person, firm or Corporation receives an order and wishes to appeal said order, they may do so, within five (5) working days, submit a written appeal to the Public Works Committee; and their decision will be final.

10. Conflict/Validity

- i)** Where a provision of this By-law conflicts with the provisions of another By-law in force in the Township, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- ii)** If a court of competent jurisdiction declares any provision or a part of a provision of the By-law to be invalid or to be of no force and effect, it is the intention of Township that the remainder of this By-law shall continue to be in force.

11. Enactment

- i) This By-law shall come into force and take effect immediately upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 26th DAY OF OCTOBER, 2011.

READ A THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF OCTOBER, 2011.

Mayor – Todd Case

Clerk – Frances Woods